

Application No. 10/554,230  
Amdt. Dated: January 5, 2008  
Reply to Office Action Dated: October 5, 2007  
Customer No.: 24737

**Amendments to the Drawings**

The attached sheets of drawings include changes to Figs. 1 and 2. These sheets, which respectively include Figs. 1 and 2, replace the original sheets including Figs. 1 and 2. In Figs. 1 and 2, reference text labels have been added.

Attachment: Replacement Sheets

## **REMARKS/ARGUMENTS**

The Examiner is thanked for the Office Action mailed October 5, 2007. The status of the application is as follows:

- Claims 1-20 are pending. Claims 1-14 have been amended, and claims 15-20 have been added.
- The specification is objected to.
- The abstract is objected to.
- The drawings are objected to.
- Claims 1, 6, 7 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kotani et al. (US 2002/0059215).
- Claims 2-4 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotani et al. in view of Anderson (US 6,427,165).
- Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotani et al. in view of Anderson and in further view of Gawande et al. (US 6,829,338).
- Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kotani et al. in view of Ueda et al. (US 2002/0003840).

The objections and rejections are discussed below.

### **The Objection to the Specification**

The specification is objected to for not including the section headings provided in 37 CFR 1.77(b). This objection should be withdrawn because the section headings provided in 37 CFR 1.77(b) are “suggested” headings and not mandatory. Thus, no correction is necessary.

### **The Objection to the Abstract**

The abstract is objected to for not commencing on a separate sheet and for using implied language. It is noted that the first page of the PCT publication was used as the Abstract on page 13 of the instant application. As such, page 13 of the instant application included the Abstract as well as extraneous information relating to the PCT filing.

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Applicant respectfully requests withdrawal of this objection in view of the amendment to page 13, including the Abstract, submitted herein.

**The Objection to the Drawings**

The drawings are objected to for not including text labels. This rejection should be withdrawn in view of the replacement sheets of drawings, which include text labels, submitted herewith.

**The Rejection of Claims 1, 6, 7 and 12-14 under 35 U.S.C. 102(b)**

Claims 1, 6, 7 and 12-14 stand rejected under 35 U.S.C. 102(e) as being anticipated by Kotani et al. This rejection should be withdrawn because Kotani et al. does not teach each and every element as set in the subject claims and, therefore, does not anticipate claims 1, 6, 7 and 12-14.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). MPEP §2131.

In particular, independent **claim 1** is directed towards a method for automatically searching at least one information source that is accessible through a data network for contents that are supplied by this information source and that satisfy at least one predefined criterion, which contents comprise useful information and metadata that characterizes the useful information, the information source changing the content supplied by it under the control of control signals. The method includes selecting an information source, receiving at least a part of the content supplied by the selected information source in which the part contains metadata, and analyzing the metadata in respect of predefined criteria. If the criteria are satisfied, the method includes processing the useful information received. Otherwise, for as long as the at least one predefined criterion is not satisfied, the method includes generating a control signal, transmitting it to the information source to change the content supplied by the information source,

receiving at least a part of the content supplied by the selected information source, and analyzing the metadata in respect of the predefined criteria. Independent **claim 7** recites similar aspects. Kotani et al. does teach or fairly suggest the above-noted claim steps.

More particularly, Kotani et al. is directed towards a data search apparatus for searching still image files, identified in a list of still image files, in a directory. As disclosed in connection with FIG. 8, the search process begins with generating a list of the still image files stored in the directory. For each still image file, metadata is appended thereto, in advance. A counter, used to sequentially select a still image file identified in the list, is initially set to  $i = 1$ . Then, metadata from the  $i$ th still image file is extracted and compared with search condition criteria. If the metadata matches the search condition, then the subject still image file is registered or identified in a result list. If there are unsearched still image files remaining in the list,  $i$  is incremented and the next  $i$ th still image file analyzed as just described. Otherwise, the searching ends. (See paragraphs [0074] – [0081]). The still image files identified in the result list are displayed as thumbnails on a list display field of a display. (See paragraph [0073]).

Hence, Kotani et al. discloses a technique for sequentially looping through still image files stored in a directory in which for each iteration of the loop, metadata of an  $i$ th image file is retrieved and compared against a search condition that determines whether the subject still image files is identified in a search result list and displayed as a thumbnail in a list display field of a display.

The Office asserts that Kotani et al., paragraphs [0075], teaches the claimed steps of *selecting an information source* and *receiving at least a part of the content supplied by the information source selected, which part contains metadata* (which characterizes useful information of the content). In particular, the Office references steps 801-804 of Kotani et al. to teach these claim steps. However, steps 801-804 do not teach or suggest these claim steps. Rather, step 801 discloses checking a directory in which search object data (still image files) are stored and generating a list of the search object data, step 802 discloses setting a counter variable  $i$  to 1, step 803 discloses mapping the data in the  $i$ th still image file identified in the list, and step 804 discloses extracting metadata of the  $i$ th still image file. The referenced section of Kotani et al. does not teach selecting an

information source and receiving metadata supplied thereby. In contrast, Kotani et al. teaches retrieving (extracting) metadata from a still image file stored in a directory.

The Office further asserts that Kotani et al., paragraph [0079], teaches that ***if the criteria are satisfied, processing the useful information***, as recited in the subject claim. In particular, the Office references steps 806 and 807 of Kotani et al. to teach these claim steps. However, steps 806 and 807 do not teach or suggest the subject claim steps. Instead, steps 806 and 807 disclose that if a description of the metadata matches the search condition, then the *i*th still image file is registered or identified in a search result list. As noted *supra*, still image files identified in the result list are subsequently displayed as thumbnails on a list display field of a display. The referenced section of Kotani et al. is silent regarding processing a still image file in response to matching metadata of the still image file with the search condition.

The Office further asserts that Kotani et al., paragraph [0079], teaches that ***for as long as the at least one predefined criterion is not satisfied, generating a control signal and transmitting it to the information source to change the content supplied by the information source, and again receiving at least a part of the content supplied by the information source, which part contains the metadata, and analyzing the metadata in respect of the predefined criteria***, as recited in the subject claim. In particular, the Office references steps 806 and 808 of Kotani et al. to teach these claim steps. In contrast, steps 806 and 808 relate to sequentially looping through still image files identified in a list and extracting metadata therefrom. The referenced section of Kotani et al. does not disclose generating a control signal, let alone generating a control signal when metadata does not match search condition and transmitting the control signal to an information source. Moreover, Kotani et al. does not disclose an information source that supplies content; the directory is a data structure in which the still image files are stored, and the directory neither supplies content for reception nor receives/responds to control signals by changing the content it supplies.

In view of the above, it is readily apparent that Kotani et al. does not teach each and every claimed step. As such, Kotani et al. does not anticipate claim 1, and this rejection should be withdrawn.

**Claims 6, 7 and 12-14** depend from independent claims 1 or 7 and are allowable at least by virtue of their dependencies.

**The Rejection of Claims 2-4 and 9-10 under 35 U.S.C. 103(a)**

Claims 2-4 and 9-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kotani et al. in view of Anderson. This rejection should be withdrawn because the combination of Kotani et al. and Anderson does not teach or suggest all the claimed aspects and, thus, fails to establish a *prima facie* case of obviousness with respect to the subject claims.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, (CCPA 1974). “MPEP §2143.03.

In particular, **claim 2**, which depends from claim 1, recites that the generation of the control signal and its transmission to the information source is carried out for as long as the at least one predefined criterion or an abort criterion is not satisfied, wherein the abort criterion being defined as repeated reception of the same metadata from the same information source. **Claims 3 and 9**, which depend from claims 1 and 7, recite that the abort criterion is defined as the failure to receive metadata from the information source. **Claims 4 and 10**, which indirectly depend from claims 1 and 7, are directed towards selecting another information source when the abort criterion is met. The combination of Kotani et al. and Anderson does teach or fairly suggest the above-noted claim steps.

More particularly, Anderson discloses a method and apparatus for information retrieval from a computer network. Nodes of a computer network are searched for information based on a predetermined criterion. A parameter value of the node where the information is stored is determined, and the determined parameter value is displayed in conjunction with a link to the node whereby a determination is made whether to obtain the information from the node based upon the determined parameter value. The search results are ordered and selected according to one or more of determined parameter values of the nodes where the information is stored.

The Office asserts that Anderson column 4, lines 32-39, and column 6, lines 4-11, teaches all of the aspects of the subject claims. However, these sections of Anderson relate to searching nodes on a computer network, such as the Internet, for an information source with desired information. As noted *supra*, Kotani et al. is directed towards searching a directory for still image files and generating a list thereof. Thus, even if Kotani et al. and Anderson were combinable (and they are not combinable), the combination would not teach or suggest the subject claims. That is, combining looping through still image files in a directory to identify still image files with metadata that matches a search condition and searching a computer network for a node that contains desired information does not teach or suggest generating and transmitting control signals to an information source as long as the same or no metadata is not received therefrom, and selecting another information source in response to receiving the same or no metadata. Accordingly, the rejection of claims 2-4, 9 and 11 should be withdrawn.

**The Rejection of Claims 5 and 11 under 35 U.S.C. 103(a)**

Claims 5 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kotani et al. in view of Anderson and further in view of Gawande et al. This rejection should be withdrawn because the combination of Kotani et al., Anderson and Gawande et al. does not teach or suggest all the claimed aspects and, thus, does not establish a *prima facie* case of obviousness with respect to the subject claims. More particularly, **claims 5 and 11**, which indirectly depend from claims 1 and 7, recite that after the last available information source has been selected and an abort criterion met, the search method is discontinued or is suspended for a predefined period of time, and is then continued with the selection of an available information source. Gawande et al. relates to traffic sources having timeout mechanism in which, after a fixed period, a query with no response is either re-sent to the server or to another server, whereas Kotani et al. relates to looping through still image files in a directory to identify still image files with metadata that matches a search condition. Thus, even if Kotani et al., Anderson, and Gawande et al. were combinable (and they are not), the combination would not teach or suggest the subject claim aspects. As such, the rejection of claims 5 and 11 should be withdrawn.

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**The Rejection of Claim 8 under 35 U.S.C. 103(a)**

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kotani et al. in view of Ueda et al. This rejection should be withdrawn because the combination of Kotani et al. and Ueda et al. does not teach or suggest all of the claimed aspects and, thus, does not establish a *prima facie* case of obviousness with respect to the subject claims. More particularly, **claim 8**, which depends from claim 7, recites that the analyzing means are arranged to take into account an abort criterion, which is defined as repeated reception of the same metadata from the same information source and in that, if this abort criterion is met, the analyzing means are arranged to terminate the analysis of the metadata received from the selected information source. Ueda et al., on the other hand, discloses a receiving apparatus which receives a bitstream that is divided into units encoding a moving picture and that includes a stream header indicating how the units are to be decoded. The receiving apparatus estimates the contents of the stream header from the contents of the units, so that decoding of the units can begin before the stream header is received. Ueda et al. further discloses traffic sources having timeout mechanisms in which, after a fixed period, a query with no response is either re-sent to the server or to another server. Ueda et al. is silent regarding the subject claimed aspects and, therefore, the rejection of claim 8 should be withdrawn.

**New Claims 15-20**

Newly added claims 15-20 emphasize various aspects. No new matter has been added. Entry and allowance of claims 15-20 is respectfully requested.



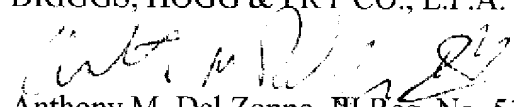
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**Conclusion**

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,

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